

From: [Granger, Michelle](#)
To: [Hauber, Erin M CIV USARMY CENWK \(US\)](#)
Subject: FW: webex slides - OU3
Date: Tuesday, August 21, 2018 3:17:00 PM
Attachments: [Albea Letter to EPA re OU3 Sampling Aug 17 2018 \(56539652 1\).pdf](#)
[Enclosure to EPA letter 8-17-2018 \(56505718 1\).pdf](#)

From: White, Bruce [mailto:Bruce.White@btlaw.com]
Sent: Tuesday, August 21, 2018 1:36 PM
To: Zizila, Frances <Zizila.Frances@epa.gov>; Bruce S Kennington <bkennington@ramboll.com>; Granger, Michelle <Granger.Michelle@epa.gov>
Cc: Luis Hidalgo (Luis.Hidalgo@riotinto.com) <Luis.Hidalgo@riotinto.com>
Subject: RE: webex slides - OU3
[Attached](#)
Regards,
Bruce White
312-214-4584 (DD)
847-840-7117 (Cell)

From: Zizila, Frances [mailto:Zizila.Frances@epa.gov]
Sent: Tuesday, August 21, 2018 12:31 PM
To: Bruce S Kennington; Granger, Michelle
Cc: Luis Hidalgo (Luis.Hidalgo@riotinto.com); White, Bruce
Subject: [EXTERNAL]RE: webex slides - OU3
Please send us the entire Albea letter from 8/17 as we cannot locate a copy of it. Could you also tell us who sent the email and what time.
Thank you,
Frances M. Zizila

From: Bruce S Kennington [mailto:bkennington@ramboll.com]
Sent: Tuesday, August 21, 2018 1:17 PM
To: Granger, Michelle <Granger.Michelle@epa.gov>
Cc: Zizila, Frances <Zizila.Frances@epa.gov>; Luis Hidalgo (Luis.Hidalgo@riotinto.com) <Luis.Hidalgo@riotinto.com>; Bruce White (Bruce.White@btlaw.com) <Bruce.White@btlaw.com>
Subject: RE: webex slides - OU3
Michelle:
As requested, please see the attached with the set of slides for today's WebEx call at 1:30 PM Eastern time.
Kind regards,
Bruce
Bruce S Kennington
Principal

D +1 (312) 288-3834
M +1 (312) 953-9965
bkennington@ramboll.com

From: Granger, Michelle [mailto:Granger.Michelle@epa.gov]
Sent: Tuesday, August 21, 2018 12:02 PM
To: Bruce S Kennington <bkennington@ramboll.com>
Cc: Zizila, Frances <Zizila.Frances@epa.gov>
Subject: webex slides - OU3
Hi, Bruce-

Just in case we have trouble with webex, could you send Frances and I the slides at your earliest convenience?

Thank you!

Michelle-

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August 17, 2018

Via Email

Michelle Granger
U.S. EPA Region 2
290 Broadway
New York, NY 10007-1866
Granger.Michelle@epa.gov

Re: Pohatcong OU-3 Additional Sampling

Dear Ms. Granger:

Thank you for your efforts in overseeing and coordinating the remedial work being done at our facility in Washington, New Jersey pursuant to the Consent Decree for the Pohatcong Valley Groundwater Contamination Superfund Site. As you know, Albéa has fully cooperated with all the remedial work done over the last six years. As I'm sure you can appreciate, it has been a considerable challenge to accommodate a remediation of this magnitude while at the same time maintaining active production operations at a large plant like ours.

I'm writing you now with respect to the additional sampling that we understand will be required in the plant in connection with the Remedial Design for OU-3. Albéa remains fully committed to complying with its obligation to provide access to the site as required by and in accordance with the Consent Decree. At the same time, we have serious concerns about the proposed sampling work that we would like to bring to your attention.

We have numerous production lines, equipment, raw materials and finished product located directly in the areas of the proposed sampling. We enclose for your reference some photos and a figure showing the operations that take place around Production Line 10 to the east of where pre-design investigation soil boring PDI-SB26 was installed, which we understand is one of the additional locations Rio Tinto plans to sample. Production in these areas consists of molding and printing of cosmetic packaging that must meet extremely exacting specifications for product quality and cleanliness that are demanded by our customers. We take meticulous precautions and quality control measures to maintain a clean production environment and eliminate any possibility of particulate matter, dust, or other contaminants from fouling the machinery or compromising product quality. Even a single piece of dust in one of our production units can become a serious problem, requiring us to dispose of off-spec product, shutdown operations, and clean the equipment, resulting in significant delays and costs. As you are aware, the sampling work involves the use of large diesel-fueled drill rigs that produce particulates and other air emissions, and requires cutting through thick concrete floors, which generates large volumes of particulates. During drilling, cores of contaminated subsurface soils will be brought up into the facility space, and the bore holes must then be sealed with grout which arrives in bags of powdered material that must be opened and mixed onsite before use. The drill rigs also generate high levels of noise as well as physical vibrations. In summary, sampling during production would have serious and costly implications for our operations, products and employees, and it is simply impossible for us to move the production lines to



another area of the plant to avoid these impacts. Therefore, it is imperative that all sampling work be done during times when the facility is completely shut down.

Albéa operates the production lines at the Washington plant essentially on a 24-7 year-round basis. We have scheduled plant shutdowns twice per year: once in the summer and once again in the winter during the year-end holiday break. In the past, Rio Tinto has conducted indoor sampling work during these scheduled shutdown periods. Our next scheduled shutdown will be during the nine day period of December 24, 2018 through January 1, 2019. As we have already communicated, Rio Tinto is welcome to come and perform the additional sampling during those days, and Rio Tinto has indicated that this timeline is acceptable to them and would not affect their ability to meet the upcoming deliverable deadlines.

We understand however that you have requested that Rio Tinto perform some or all of the additional sampling earlier than December. Doing so would have significant and immitigable impacts on Albéa's business for several reasons.

First, we would like to clarify that the sampling Rio Tinto performed previously at locations PDI-SB25 and PDI-SB26 was in fact conducted during a period when the plant was shut down for scheduled maintenance from May 29 to June 3, 2018. These two locations, as well as the two additional sample locations indicated in the figure you provided to Rio Tinto, are in area of the plant with active production operations. Therefore, it would not be possible as you suggested to sample in these locations earlier while the plant is in operation.

Requiring Albéa to shut down the plant earlier only for purposes of this sampling would be very disruptive and could cause Albéa significant business losses. Albéa operates seven days per week all year round, and has major supply contracts with large name-brand cosmetics company customers, with extremely tight delivery schedules, which require us to run numerous production runs simultaneously. Production is tightly orchestrated in order to meet customer deadlines, and Albéa simply cannot afford to shut down the plant and stop numerous production runs mid-stream. This could impact several customers at once and put Albéa at risk being in breach of its commitments. This fall is expected to be a particularly busy time for us, which further exacerbates the level of business disruption a forced shutdown could have. This would also have a major implications for Albéa and its employees: hourly workers would not receive any income for that period, and Albéa would be required to pay salaried employees although they would not be working during the shutdown. All of this could put the future of the entire company at risk, which is not an option for us.

We understand that Rio Tinto will require the full nine days of the scheduled shutdown from December 24, 2018 to January 1, 2019 to complete the additional sampling work. There are also operational wind-down and start-up activities that Albéa must manage before and after the sampling work. As a result, collectively, a forced shutdown would effectively eliminate roughly 12 days that would have otherwise been devoted to active production. You had suggested that Rio Tinto could operate two drill rigs to minimize the disruption time; however, we understand that Rio Tinto already intends to conduct the sampling using two drill rigs working simultaneously and that they will still require the entire nine days in order to complete the work. Therefore, it appears unfeasible to further shorten the timeframe by increasing the number of drill rigs.



Section 25 of Consent Decree requires U.S. EPA to “coordinate such access activities with [Albéa] in an effort to minimize adverse impacts on Washington Facility plant operations.” Forcing an unscheduled cessation of production activities for 12 days solely for the purpose of routine remedial design work seems objectively unreasonable and would have serious adverse impacts on plant operations and on Albéa’s business as a whole and our employees. We urge you to please reconsider and allow Rio Tinto to proceed to perform the additional sampling during the scheduled facility shutdown in December 2018 as proposed.

Sincerely,

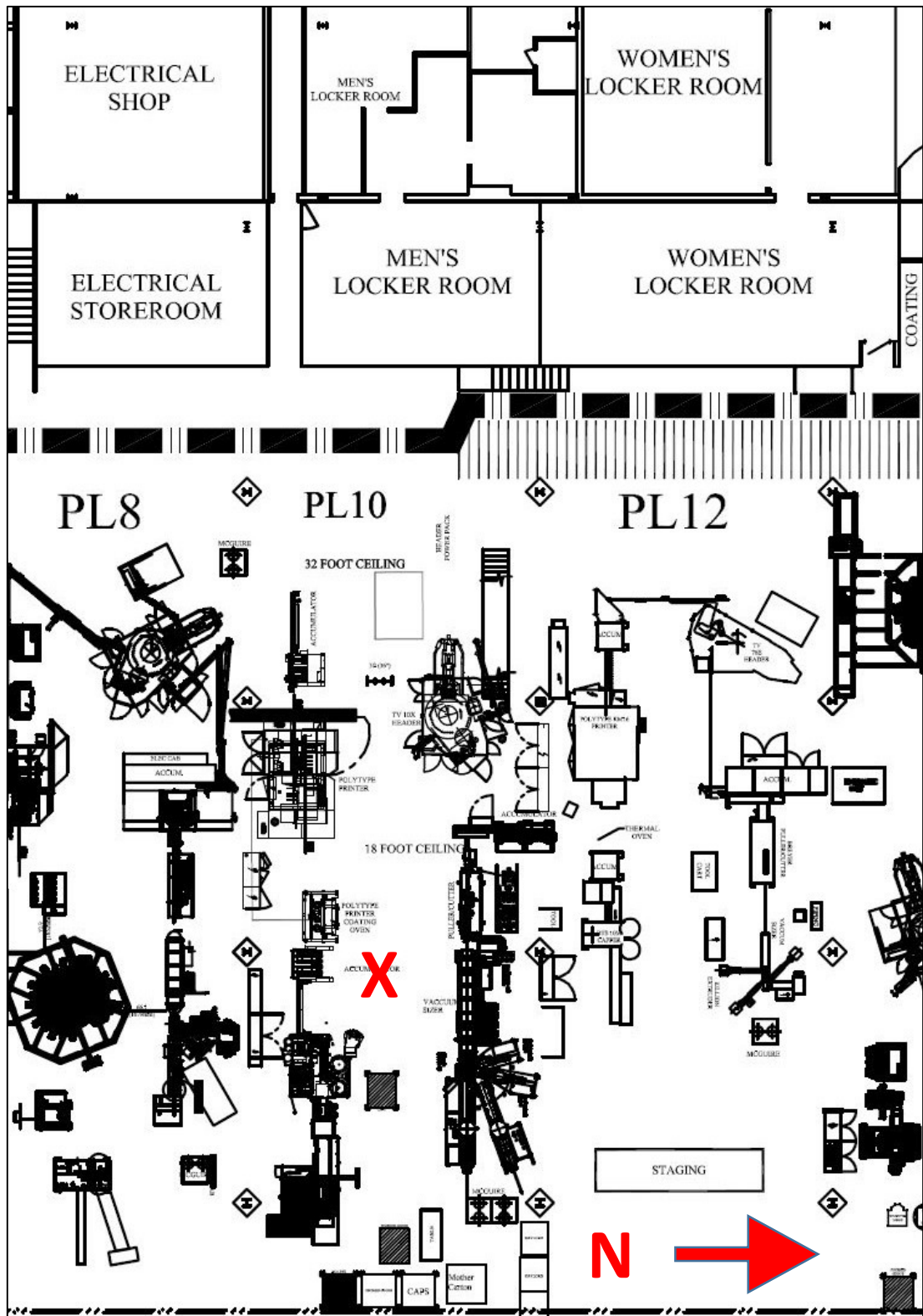
A handwritten signature in black ink, appearing to read 'Douglas Jerman', written over a light blue horizontal line.

Douglas Jerman
Albéa America, Inc.

Enclosure

cc. Luis Hidalgo, Rio Tinto
Charles-Antoine Roucayrol, Albéa
Bruce White, Barnes & Thornburg LLP
Chris Semonsen, Kirkland & Ellis

Drilling location near line production line 10





View of the drilling location near line 10 from east to west. For reference, the orange lift truck is positioned in the approximate location where the drilling rig would be. But note that the lift truck is $\sim 1/4$ the size of the drilling rig. Note the process equipment to the north, west and south of the drill position.



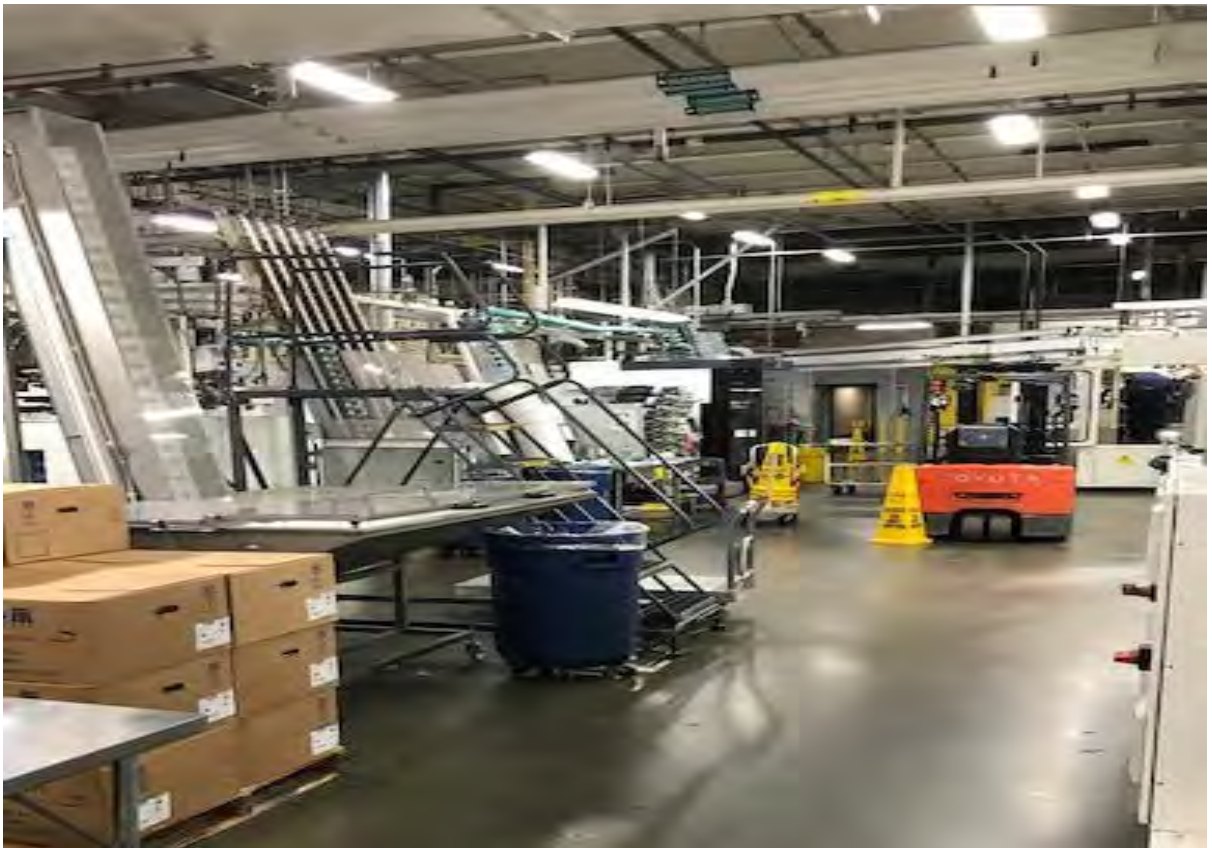
View from the west looking east.
No access is possible from the
west due to the location of process
equipment.



View from further west looking east. No access is possible from the west due to the location of the process equipment.



View of the drilling location from the east side main traffic aisle. It is a very narrow passage to gain access, and the area is surrounded by process equipment.



Moving east to west towards the drilling site. The material in the center of the line would need to be removed in order to get the drilling rig in place.